

AG Contract No. KR02-0599TRN
ADOT ECS File No JPA 02-027
Project: H 5208 01C
Section: SR-89A @ Glassford Hill Road
(MP 322.1), Robert Road (MP 323.4)

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF PRESCOTT VALLEY

THIS AGREEMENT is entered into 2nd July, 2002, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF PRESCOTT VALLEY, acting by and through its MAYOR and TOWN COUNCIL (the "Town").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town.

3. Incident to the State's reconstruction of SR 89A from MP 321.4 to MP 326.2, the Town desires to participate in the design, construction and maintenance of a new warranted traffic signal at the intersection of SR-89A and Robert Road (MP 324.1), at an estimated construction cost of \$120,000.00, hereinafter referred to as the "Project", for the safety and benefit of the traveling public. The addition of landscape maintenance to Glassford Hill traffic interchange is included in the Project.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

NO. 25350
Filed with the Secretary of State
Date Filed: 06/28/02
Betty Gayless
Secretary of State

By: William D. Graenewald

II. SCOPE OF WORK

1. The State will:

- a. Review the design documents and provide comments
- b. Call for bids and award one or more construction contracts for the project. Administer same and make all payments to the contractor(s). Be responsible for % of the cost of the Project, in an amount currently estimated at \$90,000.00, and for its proportionate share of any cost increases. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the State.
- c. As part of the State's reconstruction of SR 89A, the construction of the Glassford Hill traffic interchange includes landscaping of which the Town will maintain.
- d. Upon completion, approve and accept the signal project on behalf of the parties hereto, and provide maintenance to the signal Project.
- e. Upon completion and approval of the signal Project, invoice the Town for 25% of the actual cost for construction of the signal Project, an amount currently estimated at \$30,000.00, including a fixed rate of 15% for construction engineering and administration, and 5% contingency.
- f. Upon completion and approval of the SR 89A, the Glassford Hill Segment project, H 5208 01 C, and upon approval by Resolution of the State Transportation Board, abandon to the Town, ownership jurisdiction and maintenance responsibility for SR 89A, Glassford Hill Segment project, H 5208 01 C, (right-of-way south of SR 89A between the existing R/W line and a relocated fence line), as shown in Exhibit A, attached hereto and made a part hereof.

2. The Town will:

- a. Provide to State standards design plans, specifications and such other documents and services required for construction bidding and construction. Incorporate or resolve State review comments.
- b. Be responsible for 25% of the cost of the Project, in an amount currently estimated at \$30,000.00, and for its proportionate share of any cost increases, actual total to include a fixed rate of 15% for construction engineering and administration, and 5% contingency. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the Town.
- c. Within thirty days after receipt and approval of an invoice, pay the State 25% of the actual cost for construction of the signal Project, an amount currently estimated at \$30,000.00, including a fixed rate of 15% for construction engineering and administration, and 5% contingency.
- d. Waive the requirements of Arizona Revised Statutes Section 28-7209
- e. Upon completion and approval by Resolution of the State Transportation Board, accept ownership jurisdiction and maintenance responsibilities for SR 89A, Glassford Hill Segment project, H 5208 01 C, (right-of-way south of SR 89A between the existing R/W line and a relocated fence line), as shown in Exhibit A.
- f. Upon approval by the Resolution of Abandonment by the State Transportation Board, obtain right of way assignment from the Arizona State Land Department.

g. Upon completion and acceptance of the signal Project by the State, provide electrical energy to operate the signal, and grant the State perpetual right of access outside the State right-of-way as required to perform maintenance of pavement markings and loop detectors.

h. Provide maintenance of landscaping at the Glassford Hill traffic interchange within the Town limits. Landscape maintenance shall consist of the care of all landscaping in accordance with accepted horticultural practices, keeping all areas free of weeds, undesirable grasses and litter, applying irrigation water, furnishing and applying insecticide/herbicide sprays and dust to combat diseases and other pests, as required to maintain the landscaping.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said project and reimbursements; provided, however, that this agreement, except any provisions for maintenance and electrical energy, which shall be perpetual, may be cancelled at any time prior to the award of a Project construction contract, with 30 days written notice to the other party

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

For Contracting:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007
(fax) 602-712-7424

Town of Prescott Valley
Town Manager
Box 25456
Prescott Valley, AZ 86312

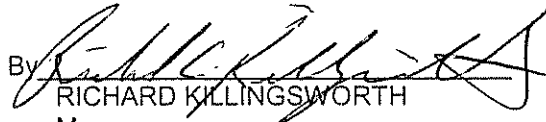
7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

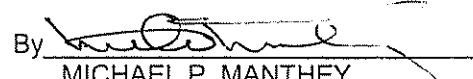
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

TOWN OF PRESCOTT VALLEY

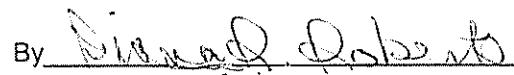
STATE OF ARIZONA

Department of Transportation

By 
RICHARD KILLINGSWORTH
Mayor

By 
MICHAEL P. MANTHEY
State Traffic Engineer

ATTEST

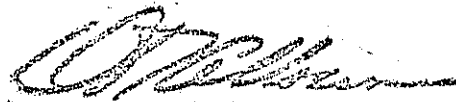
By 
Diana R. Roberts
Acting Town Clerk

02-027SPM-PrsctVlly-TrfcSig
30Apr2002

RESOLUTION

BE IT RESOLVED on this 27th day of February, 2002, that I, the undersigned Victor M Mendez, as Director of the ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interests of the STATE OF ARIZONA that the DEPARTMENT OF TRANSPORTATION, acting by and through the INTERMODAL TRANSPORTATION DIVISION, enter into an agreement with the TOWN OF PRESCOTT VALLEY, for the purpose of defining responsibilities for the design, construction and maintenance of a new warranted traffic signal at the intersection of SR-89A and Robert Road

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer or higher for approval and execution

A handwritten signature in black ink, appearing to read 'D. Allocco', is written over a horizontal line.

DAVID R. ALLOCCO, PE
Assistant State Engineer
Engineering Technical Group

for Victor M. Mendez, Director

**TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING MINUTES
MAY 23, 2002**

Call to Order – The meeting was called to order by Mayor Killingsworth at 7:00 p.m. in the Magistrate Courtroom. Present were:

Richard Killingsworth	Mayor
Jay Fagelman	Vice-Mayor
Mike Flannery	Council Member
Fran Schumacher	Council Member
Marilyn Rabideau	Council Member
Ed Seder	Council Member
Chuck Ables	Council Member

Announcements – 1) Jean Knight, Chairperson for the Yvonne Murray Benefit, invited all to attend this fund-raiser from 3 p.m. until dark at the Mountain Valley Park Pavilion on June 8, 2002. 2) Mayor Killingsworth reminded the public of the Tri-City Softball Tournament at Mountain Valley Park on June 8, 2002 to benefit the Tri-City DARE program.

Consent Agenda – Moved by Vice-Mayor Fagelman, seconded by Councilmember Schumacher to approve Consent Agenda Item #5. Motion unanimously approved by all members voting “aye”.

Consideration of approving appointments to the Personnel Board – Moved by Councilmember Flannery, seconded by Mayor Killingsworth to pull Eunice Conner from the appointments to inform her at a later date to fill the unexpired term ending April 24, 2003 and to reappoint Jim McLean, Community Member, Joe Cappelli, non-exempt employee member, Luci DePhillips, alternate community appointee, and Judy Stanley, alternate non-exempt employee member for terms expiring April 25, 2004. Motion unanimously approved by all members voting “aye”.

First reading of Ordinance No. 524, repealing Article 8-06 “Prescott Valley Community Channel Commission” in Chapter 8 “Business” of the Town Code to essentially disband the Prescott Valley Community Channel 13 Commission – Chris O’Brien gave a summary background and history of the Prescott Valley Community Channel 13 Commission formed in 1992. This Ordinance is submitted for the purpose of disbanding the Channel 13 Commission. Moved by Councilmember Schumacher, seconded by Councilmember Flannery to have the Town Clerk read Ordinance No. 524 by title only for the first reading. Motion unanimously passed by all members voting “aye”.

Consideration of Resolution No. 1091, expressing the Town’s intent to join in a Tri-City Joint Public Safety Communications Agency (JPSCA) – Police Chief, Daniel Schatz, explained that this Resolution confirms the Town’s intent to join in a Tri-City Joint

Public Safety Communications Agency (JPSCA). This resolution only expresses the Town's intent to join and does not approve any action on the intergovernmental agreement. Councilmember Flannery questioned the language in the Resolution that included the Town of Chino Valley as a participant. Staff clarified that at the time the resolution was prepared Chino Valley had not withdrawn its intent to join. Moved by Councilmember Flannery, seconded by Vice-Mayor Fagelman to approve Resolution No. 1091 expressing the Town's intent to join in the JPSCA. Motion unanimously passed by all members voting "aye".

Consideration of approving a contract with the Governor's Office of Housing Development for grant funds in the amount of \$300,000.00 – Gwen Rowitsch, Code Enforcement Supervisor, presented this item, explaining that in order to execute the Owner-Occupied Housing Rehabilitation Grant with NACOG, previously approved by council on April 25, 2002, council must now approve the actual Contract Agreement to receive the \$300,000 in grant funds. Moved by Councilmember Seder, seconded by Councilmember Schumacher to approve the contract with the State Housing Fund for funds in the amount of \$300,000. Motion unanimously passed by all members voting "aye".

Consideration of **Resolution No. 1089**, approving Final Development Plan (FDP02-007), for the first development phase of the Hensley & Co. Distribution facility comprising of approximately 56,000 square feet of warehouse and office space – Joe Scott, Planner, reviewed this Final Development Plan, stated that this Plan represented the first development phase of the Hensley & Company Distribution facility comprising approximately 56,000 square feet of warehouse and office space. This site is a 13.3 acre parcel located on the south side of the extension of Valley Road, close to the Ace Distribution facility, adjacent to the new Industrial building. Staff stated that this Plan meets Town Standards and has been reviewed by the Town Engineer. In addition, the final approval of the drainage and building plans will be in conjunction with issuance of a building permit. Moved by Councilmember Schumacher, seconded by Vice-Mayor Fagelman to approve Resolution No. 1089, adopting FDP02-007. Motion unanimously passed by all members voting "aye".

Consideration of approving an Intergovernmental Agreement (IGA) with ADOT for Improvements to SR 89A from one mile west of Glassford Hill Road to approximately two miles east of Robert Road – Larry Tarkowski, Public Works Director, gave a background on this proposed IGA. This IGA defines ADOT's and the Town's responsibilities related to improvements of State Route 89A from one mile west of Glassford Hill Road to about two miles east of Robert Road. There are three elements to this IGA: 1) Robert Road Signal, which requires 25% participation by the Town in the total construction cost for the signal 2) Excess Right-of Way, which provides for this right-of-way to be abandoned to the Town which, in turn, will allow it to be used for school access, and 3) Glassford Hill Road Traffic Interchange Landscape Maintenance, which requires the Town to maintain the new landscaping that will be installed by ADOT at the Glassford Hill Road/SR 89A traffic interchange. Bids are scheduled to be out in June for this project, with an August 1, 2002 projected start date and extending for a

period of approximately 18 months. Moved by Councilmember Flannery, seconded by Councilmember Rabideau to approve the Intergovernmental Agreement between ADOT and the Town for improvements to SR. 89A. Motion unanimously passed by all members voting "aye".

Consideration and discussion of general unscheduled comments from the public. Those wishing to address the Council need not request permission in advance. Any such remarks shall be addressed to the Council as a whole and not to any member thereof. Such remarks shall be limited to (5) minutes unless additional time is granted by the Mayor.

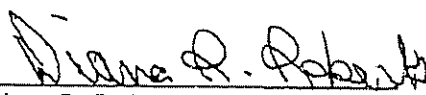
At the conclusion of the unscheduled comments, individual members of the Council may respond to the items addressed at the discretion of the Mayor, or they may ask staff to review the matter or ask that the matter be placed on a future agenda. 1) Mrs. Jayne of 2896 N. Northridge Drive in Prescott Valley thanked the Mayor, Council and Town Manager, along with Vice-Mayor, Fagelman, for the Town's presentation in support of Ms. Mary Flemming at a recent Memorial Service held for Ms. Flemming at the Prescott Valley Senior Center. 2) Mr. Jayne thanked the Mayor and Council for their support of the Community Development Grant submitted by Gwen Rowitsch, Code Enforcement Supervisor, and commented on the Town's need to submit additional grant proposals. Mr. Jayne proposed that staff or a consultant be hired to conduct grant research for available grant funds that can benefit the Town of Prescott Valley and its residents.

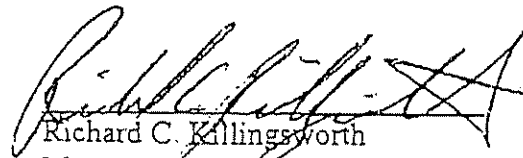
Consideration of whether to adjourn into Executive Session pursuant to ARS Section 38-431.03 (A) (3) and (7) to discuss with the attorneys of the public body regarding a) proposed annexation agreements and b) possible economic development agreements – Moved by Vice-Mayor Fagelman, seconded by Councilmember Schumacher to adjourn into Executive Session. Motion unanimously passed by all members voting "aye".

Decision, if any, regarding proposed annexation agreements –No decision.

Decision, if any, regarding various economic development matters – No decision.

Adjournment


Diana R. Roberts
Acting Town Clerk


Richard C. Killingsworth
Mayor

I hereby certify that the foregoing Minutes are a true and correct copy of the actions taken at the Regular Council Meeting, held on the 23rd day of May, 2002. I further certify that the meeting was duly called and held and that a quorum was present.

I hereby certify that the foregoing Minutes are a true and correct copy of the actions taken at the Regular Council Meeting, held on the 23rd day of May, 2002. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this 31st day of May, 2002.

Diana R. Roberts
Diana R. Roberts, Acting Town Clerk

CERTIFIED
COPY

TOWN OF PRESCOTT VALLEY REQUEST FOR COUNCIL ACTION

Date: May 23, 2002

SUBJECT: Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) for construction of a traffic signal at SR89A and Robert Road; agree to accept excess right-of-way; and to maintain landscaping at the Glassford Hill Interchange.

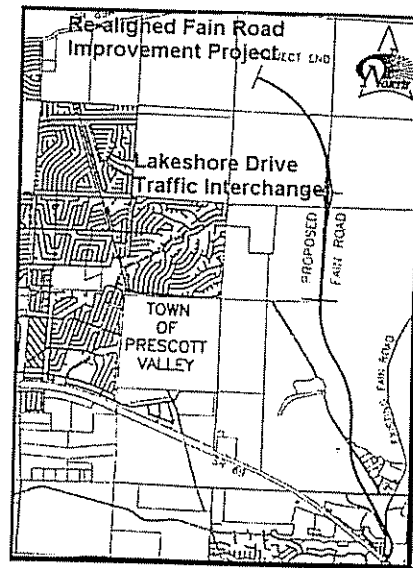
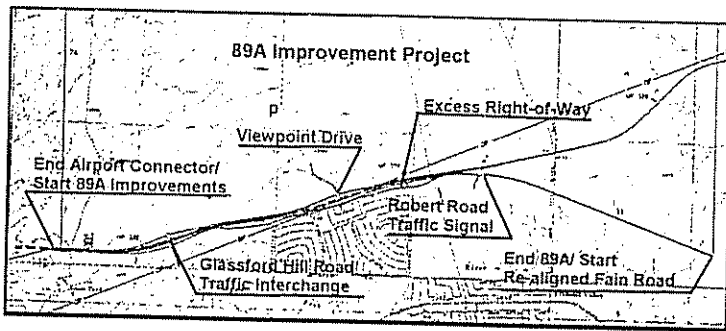
SUBMITTING DEPARTMENT: Public Works

PREPARED BY: Nils Gustavson, Capital Projects Coordinator

AGENDA LOCATION: Comments/Communications ☐, Consent ☐, Work/Study ☐, New Business ☒, Public Hearing ☐, Second Reading ☐

ATTACHMENTS: Intergovernmental Agreement with ADOT

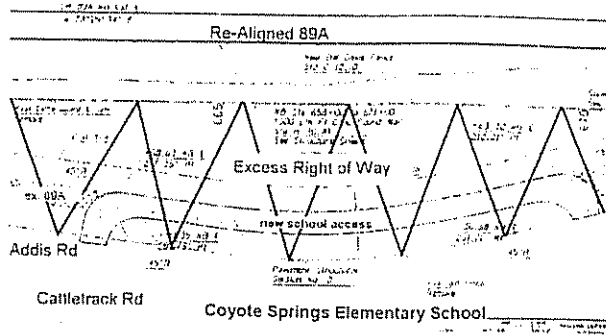
SUMMARY BACKGROUND: This proposed agreement defines ADOT's and the Town's responsibilities as they relate to the pending improvements of State Route 89A from one mile west of Glassford Hill Road to about two miles east of Robert Road. When completed two years from now, 89A will be four lanes from 89 to just east of Viewpoint Drive, then two lanes to match the County's Re-aligned Fain Road project two miles east of Robert Road.



The three element of this agreement are as follows:

Robert Road Signal: On February 28, 2002, Town Council approved a Professional Services Agreement with Kimley-Horn and Associates for the "Robert Road / State Route 89A Traffic Signal Design" in an amount not to exceed \$12,989.00. This design is now complete and is included in ADOT's bid set for the 89A improvements. This agreement requires a 25% participation by the Town in the construction cost for the signal. The cost estimate for the signal is \$120,000 with \$30,000 due and payable by the Town at the end of the project when all costs are known. In addition, the Town will agree to pay for the electricity for this signal in a similar fashion that the Town now pays for the ADOT signals on both 89A and 69 within the Town of Prescott Valley.

Excess Right-of-Way: Due to the new alignment, excess right-of-way is created between the southern right-of-way of the future freeway and the existing 89A right-of-way in front of Addis Avenue and Coyote Springs Elementary School. This right-of-way will be used for school access and as a buffer between the sound wall and the residential/school areas to the south.



Glassford Hill Road Traffic Interchange Landscape Maintenance: If approved, this agreement requires the Town to maintain the new landscaping at the Glassford Hill Road traffic interchange. This work includes mowing of the grassed areas and is similar to what the Town is now doing on 69 and 89A by mowing the frontages on an as needed basis for both aesthetics and safety reasons.

ACTION OPTION: Motion to approve an Intergovernmental Agreement between the Arizona Department of Transportation and the Town for construction of a traffic signal at SR89A and Robert Road; agree to accept excess right-of-way; and to maintain landscaping at the Glassford Hill Interchange, **OR** Motion not to approve this IGA. **ROLL CALL VOTE.**

RECOMMENDATION: Staff recommends approval of the IGA.

FISCAL ANALYSIS: Maintenance cost of the excess right-of-way and traffic interchange are considered negligible (less than \$500 per year) as this work is an extension of current efforts. Electrical cost for this signal is estimated at about \$25 per month and will be included in the Public Works operations budget. Approval of this agreement will commit the Town to budgeting and subsequently reimbursing the State in an estimated amount of \$30,000 in FY 03-04.

REVIEWED BY:

Management Services Director _____ Town Clerk _____

Town Attorney _____

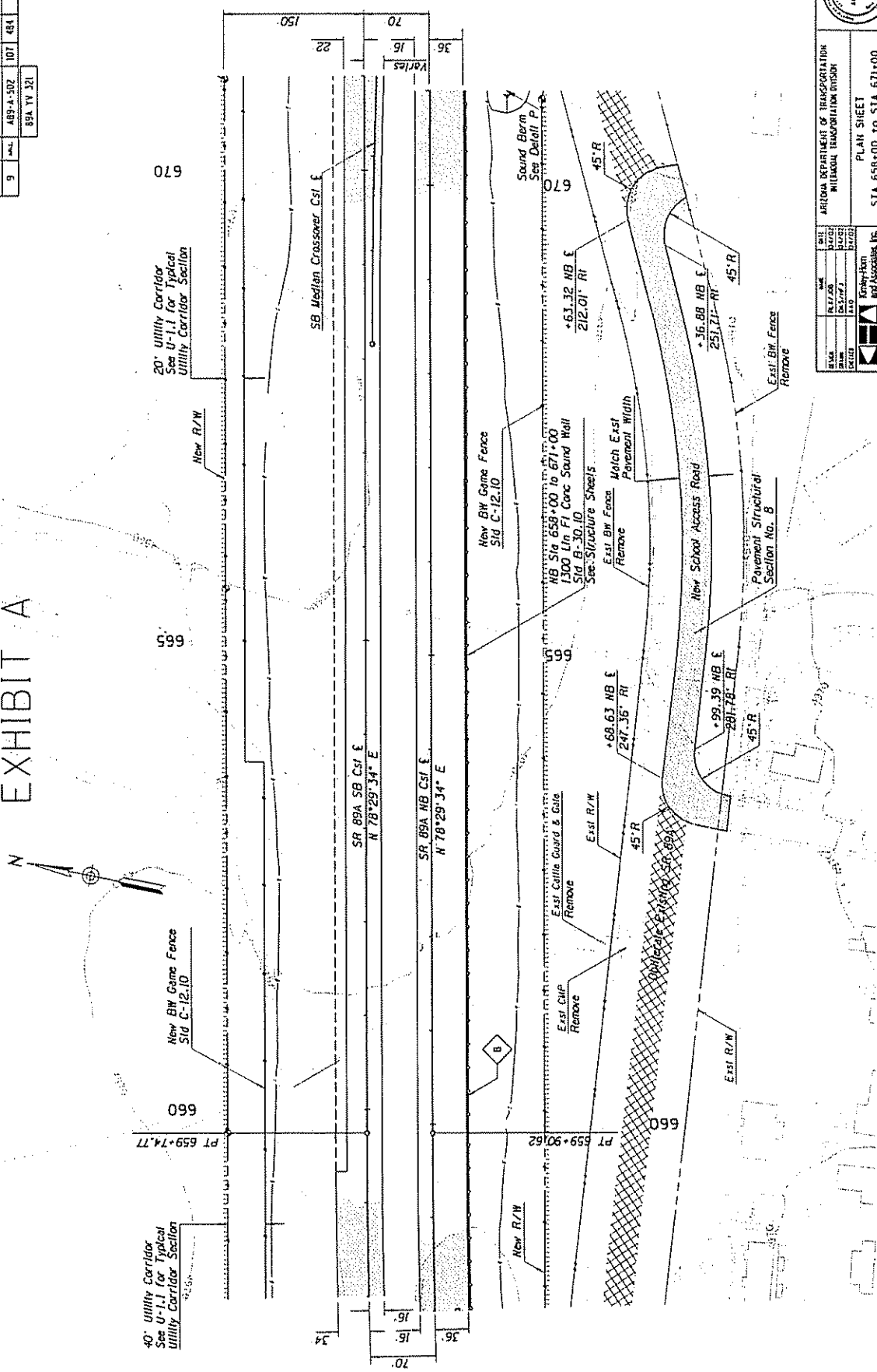
Town Manager _____


COUNCIL ACTION:

☐ Approved ☐ Denied ☐ Tabled/Deferred ☐ Assigned to _____

FAA A OFFICE	DATE	PROJECT NO.	DATE ACQ.	DATE DEL.
9	AME	AB9-A-502	107	484

121
89A 1A 121



		DATE: 4-23-63 TIME: 0415 OFF: 0415	
ARIZONA DEPARTMENT OF TRANSPORTATION INTERMODAL TRANSPORTATION DIVISION			
PLAN SHEET STA 659+00 TO STA 671+00		DATE: 4-23-63 TIME: 0415 OFF: 0415	
ERNST & YOUNG ENGINEERS AND ARCHITECTS, INC.			
CLASSFORD HILL SEGMENT		A89-A-502	
SR 89A		TRACS NO. H5208 01 C	

APPROVAL OF THE PRESCOTT VALLEY TOWN ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, among the STATE OF ARIZONA, Department Of Transportation and the TOWN OF PRESCOTT VALLEY, and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 23rd day of May, 2002.

Ivan Cogler

Attorney



JANET NAPOLITANO
ATTORNEY GENERAL

STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL
TRANSPORTATION SECTION
1275 WEST WASHINGTON STREET, PHOENIX, AZ 85007-2926

TRN Main: (602) 542-1680
Direct: (602) 542-8855
Fax: (602) 542-3646
MAIN PHONE: (602) 542-1680
FACSIMILE: (602) 542-3646

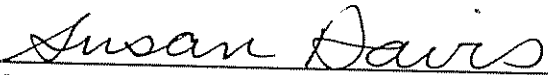
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR02-0599TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED June 26 2002.

JANET NAPOLITANO
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:ggt

Enc.

746058